

## UNITED STATES COAST PILOT CORRECTIONS

**COAST PILOT 3**                      **38 Ed 2005**                      **Change No. 1**  
**LAST NM 10/05**

Page 156—Paragraph 2697; read:

(c) *Approaching right whales ...*

(CL 66/05; FR 01/11/05)

11/05

Page 156—Paragraphs 2698 to 2709; read:

(1) *Prohibitions.* Except as provided under paragraph (c)(3) of this section, it is unlawful for any person subject to the jurisdiction of the United States to commit, attempt to commit, to solicit another to commit, or cause to be committed any of the following acts:

(i) Approach (including by interception) within 500 yards (460 m) of a right whale by vessel, aircraft, or any other means;

(ii) Fail to undertake required right whale avoidance measures specified under paragraph (c)(2) of this section.

(2) *Right whale avoidance measures.* Except as provided under paragraph (c)(3) of this section, the following avoidance measures must be taken if within 500 yards (460 m) of a right whale:

(i) If underway, a vessel must steer a course away from the right whale and immediately leave the area at slow safe speed.

(ii) An aircraft must take a course away from the right whale and immediately leave the area at a constant air-speed.

(3) *Exceptions.* The following exceptions apply to this section, but any person who claims the applicability of an exception has the burden of proving that the exception applies:

(i) Paragraphs (c)(1) and (c)(2) of this section do not apply if a right whale approach is authorized by the National Marine Fisheries Service through a permit issued under part 222, subpart C, of this chapter (General Permit Procedures) or through a similar authorization.

(ii) Paragraphs (c)(1) and (c)(2) of this section do not apply where compliance would create an imminent and serious threat to a person, vessel, or aircraft.

(iii) Paragraphs (c)(1) and (c)(2) of this section do not apply when approaching to investigate a right whale entanglement or injury, or to assist in the disentanglement or rescue of a right whale, provided that permission is received from the National Marine Fisheries Service or designee prior to the approach.

(iv) Paragraphs (c)(1) and (c)(2) of this section do not apply to an aircraft unless the aircraft is conducting whale watch activities.

(v) Paragraph (c)(2) of this section does not apply to the extent that a vessel is restricted in her ability to maneuver and, because of the restriction, cannot comply with paragraph (c)(2) of this section.

(CL 1793/04)

11/05

Page 157—Paragraph 2710, line 16 to Paragraph 2711; read:

Resources”).

### §226.203 Critical habitat for Northern Right Whales.

Northern Right Whale (*Eubalaena glacialis*)

(CL 66/05; FR 1/11/05)

11/05

**COAST PILOT 3**                      **38 Ed 2005**                      **Change No. 2**

Page 75—Paragraph 785 to Paragraph 786, line 1; read:

(e) The draw of the Norfolk Southern #7 Railroad Bridge, mile 5.8 in Chesapeake, shall operate as follows:

(1) The draw shall be remotely controlled by the operator at the Norfolk Southern #5 Railroad Bridge office over the Eastern Branch of the Elizabeth River, at mile 1.1, in Norfolk.

(2) The draw shall be left in the open position to vessels and will only be closed for the passage of trains and to perform periodic maintenance authorized in accordance with subpart A of this part.

(3) Trains shall be controlled so that any delay in opening of the draw shall not exceed ten minutes except as provided in §117.31(b).

(4) Before the bridge closes for any reason, the off-site remote operator will monitor waterway traffic in the area with closed circuit cameras and motion sensors mounted on the bridge. The bridge will only be closed if the off-site remote operator's visual inspection shows that the channel is clear and there are no vessels transiting in the area.

(5) While the bridge is moving from the full open position to the full closed position, the off-site remote operator will maintain constant surveillance of the navigation channel to ensure that no conflict with maritime traffic exists. In the event of failure or obstruction, the off-site remote operator will stop and return the bridge to the full open position to vessels. In the event of a failure or obstruction, a bridge tender must be called by the off-site remote operator and must be on-site within 30 minutes of the call to operate the bridge.

(6) During closing of the span, the channel traffic lights will change from flashing green to flashing red, the horn will sound twice, and an audio voice warning device will announce bridge movement, then two repeat blasts of the horn will sound until the bridge is seated and locked down. When the bridge is seated and locked down to vessels, the channel traffic lights will flash red.

(7) During the open span movement, the channel traffic lights will flash red, the horn will sound twice, followed by a pause, and then five repeat blasts of the horn will sound until the bridge is in the full open position to vessels. In the full open position to vessels, the bridge channel traffic lights will turn from flashing red to flashing green then an audio warning device will announce bridge movement by stating “Security, security, security, the Norfolk Southern #7 Railroad Bridge at mile 5.8 is open for river traffic”.

(8) Operational information will be provided 24 hours a day on marine channel 13 and via telephone (757) 924-5320.

(f) The draw of the I-64 bridge across the South Branch of the Elizabeth River, mile 7.1 at Chesapeake, shall open on signal if at least 24 hours notice is given.

(g) The draw of the Dominion Boulevard (US 17) ...

(CL 1791/04; FR 12/2/04)

11/05

Page 75—Paragraph 794, line 1; read:

(h) The draw of the S168 bridge, mile 12 at Chesapeake

...

(CL 1791/04; FR 12/2/04)

11/05

Page 75—Paragraph 795, line 1; read:

(i) The draw of the Albemarle & Chesapeake Railroad ...

(CL 1791/04; FR 12/2/04)

11/05

Page 75—Paragraph 796, line 1; read:

(j) The draw of the Centerville Turnpike (SR 170) ...

(CL 1791/04; FR 12/2/04)

11/05